

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 2222 - SB 2264**

March 28, 2022

**SUMMARY OF BILL AS AMENDED (016635):** Authorizes law enforcement officers to make arrests for violations of 8 U.S.C. § 1324 and requires a law enforcement officer to immediately notify the appropriate federal authority of such arrest in accordance with any agreements between the law enforcement agency or this state and the federal authorities. Requires the Jerry F. Agee Tennessee Law Enforcement Training Academy to develop and offer to law enforcement officers a training program that explains how officers can make arrests in compliance with 8 U.S.C. § 1324.

Removes religious purposes as a valid defense in the prosecution of an individual who is charged with transporting illegal aliens. Removes the application of such offense to only persons transporting such individuals for the purpose of commercial advantage or private financial gain. Removes the exemption of common carriers from such offense.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Title 8, U.S.C. § 1324(a) defines several distinct offenses related to undocumented immigrants. Subsection 1324(a)(1)(i)-(v) prohibits alien smuggling, domestic transportation of unauthorized aliens, concealing or harboring unauthorized aliens, encouraging or inducing unauthorized aliens to enter the United States, and engaging in a conspiracy or aiding and abetting any of the preceding acts. Subsection 1324(a)(2) prohibits bringing or attempting to bring unauthorized aliens to the United States in any manner whatsoever, even at a designated port of entry.
- The Jerry F. Agee Tennessee Law Enforcement Training Academy can develop and provide such a training program to law enforcement officers within existing resources.
- Authorizing law enforcement officers to make arrests for violations of 8 U.S.C. § 1324 will not significantly impact state or local operations.
- Pursuant to Tenn. Code Ann. § 39-17-114(c), transportation of illegal aliens is a Class A misdemeanor offense punishable only by a fine of \$1,000 for each person illegally transported.
- There is not estimated to be a significant increase in caseloads in the courts due to the proposed revisions to this offense.

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- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is minimal due to defendants often not being able to pay them; therefore, any increase in state or local revenue from fines is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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